

EXHIBIT 12 -

Letter from Roy W. Stoddard to the Attorney
General (Jan. 11, 1940), US0036583

WHC - GEF
218566.

The Attorney General
Washington, D. C.

DEPARTMENT OF JUSTICE	
TRIAL SECTION	
Lands Division	
RECEIVED	
JAN 15 1940	
11:40 A.M.	Denver P.M.
Assigned to:	
Action due: <i>Fix</i>	

S. Nat'l

Colorado, January 11, 1940.

LANDS DIVISION
MESSENGER'S ROOM

JAN 15 1940

RECEIVED

U.S. RECORD

Re: United States v. Walker
River Irrigation District
et al., U.S. Court, Nevada.

215566

DEPARTMENT OF JUSTICE

JAN 15 1940

DIVISION OF RECORDS

LANDS DIV. - APPELLATE SEC.

Sir:

Enclosed herewith are two copies of:

"Memorandum to Roy W. Stoddard, Special Assistant to the Attorney General, re Walker River Suit-- Weber Reservoir" which I received on the 10th inst.

Letter from Mr. Kronquist, addressed to Mr. Fortier, Supervising Engineer, Indian Irrigation Service, dated the 8th inst., in connection with the subject matter of Mr. Kronquist's memorandum.

My letter of today addressed to Mr. Kronquist, in relation to the proposed stipulation for entry of the amended decree to conform to the Writ of Mandate issued by the Circuit Court of Appeals.

All of these letters are, I believe, self-explanatory.

The attention of the Department is particularly directed to the contents of Mr. Kronquist's letter to Mr. Fortier dated the 8th inst., copies of which are enclosed herewith.

The question of establishing a priority for the storage right of Weber Reservoir was discussed by Mr. Kronquist and myself before my departure for Denver on the 2nd inst. During this conference I expressed the thought that the Government cannot now establish a priority earlier than April 15, 1936 (the date of entry of the final decree by Judge St. Sure) because of provisions in paragraph 12 of the decree reading, in part, as follows:

*This decree shall be deemed to determine all of the rights of the parties to this suit and their successors in interest and to the waters of Walker River and its tributaries, except the undetermined rights of Walker River Irrigation District under its applications to the State Water Commission of the State of California * * * and it is hereby ordered, adjudged and decreed that none of the parties to this suit has any right, title, interest or estate in or to the waters of said Walker River, its branches or its tributaries other than as above set forth, except the undetermined

rights of Walker River Irrigation District and the several applicants for permits from the State Engineer of the State of Nevada."

It seems to me that in the not too distant future, and after entry of the amended decree in any event, notice should be given to and filed with the State Engineers of Nevada and California of the completion of construction of Weber Reservoir and the Government's claim of a priority for the storage of water therein as of April 16, 1936, in order that applicants who in the future may file applications for permits to divert or store waters of the stream system under the Congressional sanction of the Acts of 1866-1870-1877, may have notice of the priority claimed by the Government and the Indians for Weber Reservoir storage.

It is my understanding that there was no Congressional Act directly appropriating funds for the construction of this reservoir but that funds were allocated by Executive Order for the same, and that the only notice of the Government's claim now existing is completion of construction and use of the reservoir. For this reason it seems to me good policy and, in fact, advisable, to file notice of the Government's claim of priority with the respective State Engineers, as above stated, and as mentioned by Mr. Kronquist in his letter to Mr. Fortier, in the event of future controversy arising in respect to the Government's priority for storage rights of this reservoir.

If we secure a stipulation of opposing counsel which, in effect, gives us a priority as of April 16, 1936, it is my thought that the above notice should be given nevertheless.

Comments from the Department in this respect will be appreciated in order that we may have not only the benefit of the Department's views, but also an expression of the Department's policy under the particular facts now existing in the above case.

In a recent letter to the Department upon this same subject I have stated that as soon as I received Mr. Kronquist's memo, I would prepare a preliminary form of stipulation and take the matter up by mail with Mr. Kearney, etc. for approval before forwarding the same to the Department for advance approval.

However, in checking the matter over today, I believe it will facilitate matters if preparation of such a preliminary draft is deferred until further conference with defendants' attorneys upon my return to Reno, as I do not believe any exact wording can be agreed upon without a personal conference with Mr. Kearney.

Respectfully,

Roy W. Stoddard
Roy W. Stoddard,
Special Assistant to
the Attorney General.

RWS/ELM